

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JEFFREY PRATT,	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	Civil Action No. 04-965
	)	Judge Conti
	)	Magistrate Judge Caiazza
ROBERT KRAK, <i>et al.</i> ,	)	In Re: Doc. 12
	)	
Defendants.	)	

**MEMORANDUM ORDER**

The Plaintiff's complaint was received by the Clerk of Court on June 29, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation, filed on September 29, 2005, recommended that the Motion for Summary Judgment filed by the Defendants (Doc. 12) be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail and on the Defendants. No objections have been filed. After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 26th day of October, 2005,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by the Defendants (Doc. 12) is granted.

The Report and Recommendation of Magistrate Judge Caiazza, dated September 29, 2005, is adopted as the opinion of the court.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
U.S. District Court Judge

cc:  
Francis X. Caiazza  
U.S. Magistrate Judge

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